

OLL 84-4143  
7 November 1984

MEMORANDUM FOR THE RECORD

SUBJECT: Polygraph Hearings Before the Subcommittee on  
Investigations of the House Armed Services Committee  
on 6 September 1984

1. On 6 September 1984, the Investigations Subcommittee of the House Armed Services Committee held a hearing on the Federal Government's use of the polygraph. The hearing focused on H.R. 4681, the Brooks polygraph bill. Following an open statement by Chairman Nichols (D-Alabama), General Stilwell testified on behalf of the Department of Defense. Stilwell indicated that the Brooks bill would prevent DOD's use of the polygraph to resolve derogatory information, to establish bona fides, to exculpate personnel and to investigate counter-intelligence cases. General Stilwell discussed the DOD Pilot program to beef-up their counterintelligence inquiry for Special Access Required (SAR) programs. Stilwell assured the Subcommittee that no adverse action would be taken on SAR polygraph results without further corroboration. Refusal to take a polygraph would not result in firings although a limitation of SAR access could result. Stilwell also indicated that H.R. 4681 would have a deleterious impact on the DIA program for Critical Intelligence Provision (CIP). The exclusion of CIA and NSA from the bill indicated the need to protect SCI and national security information. Stilwell said that the same information and responsibilities existed in such programs as the CIP at DOD. Finally, the Brooks bill would restrict use of the polygraph to permit interim access to intelligence sources and methods before a traditional field investigation could be completed.

2. In response to a question from Chairman Nichols, General Stilwell said that DOD had reached a preliminary agreement with HPSCI concerning the conduct of the Pilot program. This statement was later corrected on the record to say that DOD had only reached an agreement in principle with HPSCI staff. In response to another question, Stilwell agreed that there was a basic anomaly in the fact that the same information for which CIA and NSA require polygraph clearance is available in DOD without that clearance process. Stilwell said that there were over 115,000 DOD employees with SCI clearance; Top Secret clearance numbers ever more. Stilwell

estimated existing Secret clearances at over 2 million. Every five years DOD attempts to update the bona fides of those persons with Top Secret clearance, but DOD is hard pressed to do that. This updating currently includes an interview plus check with co-workers and supervisors. In response to a question on the OTA study of polygraph validity General Stilwell said that he disagreed with the OTA study and that DOD had studies of their own that documented the accuracy of the polygraph.

STAT 3. Following General Stilwell, [ ] Chief of NSA  
STAT Operation Security, testified. [ ] gave a broad overview  
STAT of the NSA's use of the polygraph and its importance in the  
STAT security program at NSA. [ ] outlined the nature of the  
STAT security polygraph at NSA, cited statistics concerning the  
STAT productivity of polygraph in the various types of cases and  
STAT gave two examples of the polygraphs utility in developing  
STAT counterintelligence information. [ ] stressed that the  
STAT NSA's program was based upon strict program control and the use  
STAT professional interrogators. He said that a good program would  
STAT need those two components. He argued that the polygraph had  
STAT protected the United States from espionage and provided two  
STAT examples when polygraph screening caught potential penetrations  
STAT of NSA. When asked why he was testifying in opposition to the  
STAT bill in light of NSA's exemption, [ ] said that the same  
STAT information circulated at NSA was available at DOD, where a  
STAT person could have access to that information without having to  
STAT take a polygraph examination. Consequently the harm to the  
STAT national security was the same.

STAT 4. In response to a question whether the polygraph would  
STAT prevent leaks, [ ] stated that the polygraph would act  
STAT as a deterrent, but if an individual "stonewalled," the  
STAT polygraph was of no use. [ ] believed that the use of  
STAT the polygraph in investigating leaks was entirely appropriate  
STAT when SCI and national security information were involved. NSA  
STAT uses the polygraph when leaks point to NSA. However, [ ]  
STAT admitted that it was virtually impossible to trace leaks to one  
STAT person when hundreds of people have access to the information.

STAT 5. Following [ ] testimony, Mark Roth of the  
STAT American Federation of Government Employees testified in  
STAT support of H.R. 4681 and argued that the Administration had  
STAT failed to establish the need to expand the polygraph program  
STAT beyond the CIA and NSA. Mr. Roth characterized NSDD-84 as an  
STAT attempt to supplant congressional guidance with the coercive  
STAT use of the polygraph. Mr. Roth argued strenuously that the  
STAT polygraph didn't work and that the 1979 study performed by DOD  
STAT indicated that the polygraph failed to detect deception or  
STAT truth. Mr. Roth then challenged the quality of examiners

indicating that less than one percent had appropriate training. Mr. Roth felt that the real danger was that the polygraph would give a false sense of security to the United States; the polygraph would lend credibility to a person who was able to deceive it. Finally AFGE believes that Reagan wants to clean up on whistle blowers and that the expanded use of the polygraph is an attempt to come down hard on federal employees who report waste and fraud. Mr. Roth said that NSDD-84 was politically motivated and that if Reagan were re-elected, NSDD-84 would be repropose in some form or another.

6. Following Mr. Roth's testimony, the Committee went into executive session to hear the testimony of [redacted] Director of Security for the CIA. [redacted] prepared a rebuttal of many of the points that Mr. Roth made in his presentation. [redacted] indicated that Mr. Roth confused whistle blowers with leakers and that extended polygraph use wouldn't impair whistle blowing since people who are interested in disclosing government fraud and waste would have other ways to get their information out (i.e. Congressional oversight Committees.) Concerning polygraph examiners, [redacted] indicated that it is important to train and monitor examiners and that CIA had a rigorous program in this regard. [redacted] reiterated NSA's concerns about H.R. 4681, that CIA information goes throughout the intelligence community and needs the same protection wherever it goes. [redacted] then turned to his prepared statement and highlighted certain provision, such as the indispensability of the polygraph to the CIA security program. [redacted] outlined the CIA program and indicated its major successes.

7. Chairman Nichols asked [redacted] for a general overview of the CIA's experience with the polygraph and asked what types of questions CIA asked it's employees. [redacted] responded with an extensive explanation of the different testing formats and the principal question types asked. Following these questions, Chairman Nichols indicated that he was very pleased with the CIA's testimony and very impressed with both the Agency and the Agency's polygraph program.

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STATEMENT OF  
GENERAL RICHARD G. STILWELL, USA (RET.)  
DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY  
BEFORE  
THE COMMITTEE ON ARMED SERVICES  
U.S. HOUSE OF REPRESENTATIVES  
REGARDING H.R. 4681  
SEPTEMBER 6, 1984

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TODAY TO PRESENT THE DEPARTMENT'S VIEWS CONCERNING PROPOSED BILL H.R. 4681 WHICH ADDRESSES THE USE OF THE POLYGRAPH WITHIN THE FEDERAL GOVERNMENT AND THE INSTITUTION OF PRE-PUBLICATION REVIEW REQUIREMENTS AMONG FEDERAL EMPLOYEES.

IN FEBRUARY 1984, I APPEARED BEFORE THE SUBCOMMITTEE ON CIVIL SERVICE OF THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE CONCERNING THIS BILL. THE CONCERNS I EXPRESSED IN FEBRUARY CONTINUE TO APPLY. TODAY, I WILL REITERATE THOSE CONCERNS AND, WITH RESPECT TO USE OF THE POLYGRAPH, ENDEAVOR TO CLARIFY FOR YOU THE NATURE, SCOPE AND PURPOSE OF CHANGES THAT THE DEPARTMENT IS CONSIDERING IN THIS AREA -- A COPY OF OUR DRAFT DIRECTIVE AND REGULATION HAS BEEN PROVIDED TO YOUR STAFF.

SECTION 2 OF THE BILL PROPOSES AMENDMENTS TO CHAPTER 73 OF TITLE 5, U.S. CODE. AS WE READ SECTION 7362, IT WOULD PROHIBIT USE OF THE POLYGRAPH WITH REGARD TO THE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE FOR ANY PURPOSE OTHER THAN A CRIMINAL INVESTIGATION, EXCEPT INsofar AS IT MAY BE USED AT THE NATIONAL SECURITY AGENCY, WHICH IS EXEMPTED FROM THE BILL ALTOGETHER, AND EXCEPT FOR POLYGRAPH EXAMINATIONS REQUESTED BY THE EMPLOYEE.

ENACTMENT OF THIS LEGISLATION WOULD PREVENT THE DEPARTMENT FROM UTILIZING THE POLYGRAPH IN WAYS IT IS CURRENTLY SUCCESSFULLY BEING EMPLOYED, AS WELL AS PRECLUDE ITS USE IN WAYS BEING CONTEMPLATED FOR THE FUTURE. TO BE MORE SPECIFIC, THE POLYGRAPH IS CURRENTLY USED IN DOD FOR SEVERAL PURPOSES NOT RECOGNIZED BY THE BILL: FIRST, TO RESOLVE

DEROGATORY INFORMATION DEVELOPED IN PERSONNEL SECURITY FIELD INVESTIGATIONS THAT CANNOT BE RESOLVED IN ANY OTHER WAY; SECOND, TO ENSURE THAT INTELLIGENCE AGENTS, ACTING ON BEHALF OF DOD INTELLIGENCE COMPONENTS, ARE BONA FIDE; THIRD, FOR EXCULPATORY PURPOSES; AND FOURTH, FOR COUNTERINTELLIGENCE INVESTIGATIONS (WHERE EVIDENCE OF CRIMINAL CONDUCT MAY NOT BE PRESENT). MOREOVER, THE BILL WOULD PRECLUDE THE DEPARTMENT OF DEFENSE FROM IMPLEMENTING THE LIMITED SORT OF PROGRAM THAT DEFENSE HAS HAD UNDER CONSIDERATION FOR THE LAST TWO YEARS. BEFORE I DESCRIBE FOR YOU THE KEY FEATURES OF THIS CONTEMPLATED PROGRAM, LET ME BRIEFLY HIGHLIGHT THE EVENTS THAT LED TO ITS DEVELOPMENT.

TRADITIONALLY, THE KEY TO DETERMINING THE TRUSTWORTHINESS AND SUITABILITY OF INDIVIDUALS FOR ACCESS TO CLASSIFIED INFORMATION HAS BEEN THE PERSONNEL SECURITY FIELD INVESTIGATION, WITH THE NATURE AND EXTENT OF THIS INVESTIGATION DEPENDING UPON THE LEVEL OF SENSITIVITY OF THE INFORMATION INVOLVED. ESSENTIALLY, SUCH INVESTIGATION WOULD INCLUDE -- CHECKS OF LOCAL AND NATIONAL LAW ENFORCEMENT AGENCIES -- EMPLOYMENT -- CREDIT REFERENCES -- AND INTERVIEWS WITH FRIENDS, NEIGHBORS, CO-WORKERS, AND OTHER PERSONS WHO ARE IN A POSITION TO COMMENT ON THE INDIVIDUAL'S RELIABILITY AND TRUSTWORTHINESS.

HOWEVER, COMMENCING IN THE MID-1970s, A NUMBER OF EVENTS TOOK PLACE WHICH SERIOUSLY ERODED DOD PERSONNEL SECURITY FIELD INVESTIGATIONS. THESE EVENTS INCLUDED: A CONGRESSIONALLY DIRECTED REDUCTION IN DOD INVESTIGATIVE RESOURCES -- THE ADVERSE IMPACT OF THE PRIVACY ACT OF 1974

ON THE WILLINGNESS OF PERSONS OR ORGANIZATIONS TO PROVIDE RELEVANT INFORMATION -- LIMITATIONS PLACED ON ACCESSIBILITY OF SCHOOL RECORDS -- AND, ISSUANCE OF JUSTICE DEPARTMENT REGULATIONS THAT CAUSED MANY LOCAL JURISDICTIONS TO SEVERELY LIMIT ACCESS TO LAW ENFORCEMENT RECORDS.

THE CONSEQUENCES OF THESE EVENTS WERE: A SERIOUS DEGRADATION IN OUR ABILITY TO CONDUCT PERSONNEL SECURITY INVESTIGATIONS -- LESS RELEVANT INFORMATION BEING AVAILABLE -- AND, A SIGNIFICANTLY LESS VALID INVESTIGATIVE PRODUCT.

THIS SITUATION -- WHILE IN ITSELF A MATTER OF SERIOUS CONCERN -- WAS FURTHER COMPLICATED BY ANOTHER, MORE THREATENING TURN OF EVENTS -- THE INCIDENCE OF ESPIONAGE APPEARED TO BE INCREASING. AS PRIMARY

EXAMPLES, CONSIDER THAT THE CASES OF BOYCE & LEE, LT COOK, CWO HELMICH AND WILLIAM HOLDEN BELL, ALL WERE UNCOVERED IN THE PERIOD BETWEEN THE LATE 1970s AND END OF 1983. THESE CASES INVOLVED THE COMPROMISE TO OUR ADVERSARIES OF INFORMATION RANGING FROM THE MOST SECRET RESEARCH AND DEVELOPMENT MATERIAL TO TOP SECRET COMPARTMENTED INTELLIGENCE INFORMATION.

IN LIGHT OF THIS SITUATION, IN 1982 I APPOINTED A SELECT PANEL, COMPOSED OF SENIOR DEFENSE OFFICIALS, WHO WERE CHARGED WITH REVIEWING THE DEPARTMENT'S PERSONNEL SECURITY PROGRAM FROM TOP TO BOTTOM AND DEVELOPING RECOMMENDATIONS FOR RESOLUTION OF THE PROBLEM.

AMONG THE GENERAL RECOMMENDATIONS MADE BY THE PANEL WERE RECOMMENDATIONS FOR TIGHTENING CONTROLS ON THE ISSUANCE OF CLEARANCES, IMPROVED ADJUDICATION OF SECURITY CASES, AND REINSTITUTION OF THE REGULAR REINVESTIGATION

OF CLEARED INDIVIDUALS. THE DEPARTMENT HAS TAKEN ACTION IN ALL THESE AREAS TO IMPROVE SECURITY.

OF PARTICULAR IMPORTANCE, THE PANEL RECOMMENDED A COUNTERINTELLIGENCE-SCOPE POLYGRAPH EXAMINATION TO ASSIST IN DETERMINING THE INITIAL AND CONTINUED ELIGIBILITY OF A LIMITED NUMBER OF INDIVIDUALS IN POSITIONS THAT REQUIRE ACCESS TO EXTREMELY SENSITIVE CLASSIFIED INFORMATION.

IT WAS IN THIS CONTEXT THEN, THAT THE DEPARTMENT DEVELOPED A PROPOSED REVISION OF ITS POLYGRAPH POLICY -- TO SUPPLEMENT OUR INVESTIGATIVE PROGRAM -- TO DETER AND DETECT ESPIONAGE. AFTER TWO COMPLETE COORDINATIONS WITH THE DOD COMPONENTS, HEARINGS BEFORE A NUMBER OF HOUSE AND SENATE COMMITTEES AND SUBCOMMITTEES, AS WELL AS INFORMAL, DETAILED DISCUSSIONS WITH THE MEMBERS AND STAFFS OF HOUSE AND SENATE COMMITTEES AND SUBCOMMITTEES THAT HAVE EXPRESSED AN INTEREST IN THIS AREA, THIS PROPOSAL HAS NOW BEEN REFINED CONSIDERABLY.

THE PRIMARY CHANGE TO EXISTING POLICY WOULD PERMIT A LIMITED POLYGRAPH EXAMINATION, COMPRISED SOLELY OF QUESTIONS DESIGNED TO DETERMINE WHETHER AN INDIVIDUAL IS A SPY FOR A HOSTILE INTELLIGENCE SERVICE, PRIOR TO GRANTING ACCESS TO THE MOST SENSITIVE CLASSIFIED INFORMATION HELD BY THE DEPARTMENT. UNDER THIS CONCEPT, HEADS OF DEFENSE COMPONENTS, WITH THE APPROVAL OF MY OFFICE, COULD, IF THEY SAW FIT, ESTABLISH THIS SORT OF LIMITED EXAMINATION -- EXCLUDING ANY QUESTIONS OF A PERSONAL NATURE --

AS A CONDITION OF ACCESS TO SPECIFICALLY DESIGNATED CLASSIFIED INFORMATION PROTECTED WITHIN SO-CALLED "SPECIAL ACCESS PROGRAMS," ESTABLISHED UNDER THE AUTHORITY OF EXECUTIVE ORDER 12356. I HAVE ATTACHED AT ENCLOSURE 1 A LIST OF THE QUESTIONS WHICH MAY BE ASKED DURING AN EXAMINATION.

THERE HAS BEEN SOME CONCERN EXPRESSED THAT THE DEPARTMENT INTENDS TO REQUIRE POLYGRAPH EXAMINATIONS OF ALL PERSONNEL CLEARED FOR SENSITIVE COMPARTMENTED INFORMATION, REFERRED TO AS SCI. I WANT TO EMPHASIZE THAT THIS IS SIMPLY NOT THE CASE. RATHER, THE PROPOSED USE WOULD BE LIMITED TO SPECIFICALLY DESIGNATED CLASSIFIED INFORMATION WITHIN SPECIAL ACCESS PROGRAMS. WHILE SOME OF THE POSITIONS BEING CONSIDERED FOR POLYGRAPH EXAMINATION WOULD UNDOUBTEDLY ALSO REQUIRE ACCESS TO SCI, THE POINT IS THAT SCI ACCESS, PER SE, WOULD NOT BE THE QUALIFYING CRITERION -- RATHER THE POSITION WOULD HAVE TO REQUIRE ACCESS TO INFORMATION DESIGNATED BY THE COMPONENT HEAD AS REQUIRING SPECIAL PROTECTION GREATER THAN THAT OTHERWISE REQUIRED BY THE SPECIAL ACCESS PROGRAM CONCERNED.

UNDER THIS PROPOSAL, NO ACTION COULD BE TAKEN ON THE BASIS OF HIS OR HER REACTION AS REFLECTED ON THE POLYGRAPH CHARTS, UNLESS ADDITIONAL INVESTIGATION PRODUCED DEROGATORY INFORMATION CONCERNING THE INDIVIDUAL INVOLVED WHICH IN AND OF ITSELF WOULD SUPPORT SUCH ACTION. ANY EXCEPTION TO THIS POLICY WOULD HAVE TO BE APPROVED BY THE SECRETARY OF DEFENSE; DEPUTY SECRETARY OF DEFENSE; SECRETARY OF ONE OF THE MILITARY DEPARTMENTS; DIRECTOR, NATIONAL SECURITY AGENCY; OR MYSELF. FURTHERMORE, REFUSALS TO TAKE SUCH EXAMINATIONS COULD NOT BE THE BASIS FOR FIRING AN EMPLOYEE. ANY CURRENT EMPLOYEE, OTHER THAN EMPLOYEES OF THE NATIONAL SECURITY AGENCY, WHO REFUSED TO

TAKE SUCH AN EXAMINATION AS A CONDITION OF OBTAINING ACCESS WOULD EITHER REMAIN IN HIS JOB, OR WOULD BE PLACED IN A POSITION OF EQUAL GRADE OR PAY WITHIN DOD.

THERE HAS BEEN CONSIDERABLE INTEREST IN THE NUMBER OF DOD PERSONNEL WHO WOULD BE EFFECTED BY THIS CHANGE. ACCORDINGLY, I BELIEVE IT WOULD BE WORTHWHILE TO TAKE A FEW MOMENTS TO ATTEMPT TO CLARIFY THIS POINT.

WE HAVE REACHED AN INFORMAL AGREEMENT WITH THREE OTHER CONGRESSIONAL COMMITTEES WHO HAVE REVIEWED THIS PROPOSED PROGRAM TO CONDUCT A PILOT TEST OF THIS NEW POLICY, LIMITED IN ITS FIRST YEAR TO NO MORE THAN 3,500 EXAMINATIONS. AFTER THIS TEST PERIOD, AN ASSESSMENT OF THE PROGRAM, INCLUDING ITS FURTHER EXPANSION, WOULD BE CONSIDERED IN CONSULTATION WITH THE CONGRESS. IN ANY CASE, THE DEPARTMENT'S CAPABILITIES TO CONDUCT MORE SUCH EXAMINATIONS WOULD, AS A PRACTICAL MATTER, BE LIMITED TO ROUGHLY THESE LIMITS FOR THE NEXT TWO TO THREE YEARS, SINCE ANY GREATER EXPANSION WOULD NECESSITATE ADDITIONAL EXAMINERS WHO MUST BE TRAINED AND EQUIPPED.

WE WOULD HOPE THIS COMMITTEE WOULD SIMILARLY SUPPORT THIS APPROACH. LANGUAGE WHICH AUTHORIZES SUCH A TEST PROGRAM IS, IN FACT, CONTAINED IN THE SENATE VERSION OF THE FY 85 DEFENSE AUTHORIZATION BILL, WHICH IS, OF COURSE, IN CONFERENCE. THIS IS THE CONCEPT WE ENDORSE; WE BELIEVE IT PROVIDES A PRUDENT WAY TO IMPLEMENT THIS PROPOSED POLICY CHANGE.

AS I MENTIONED, ONLY PERSONS WITH ACCESS TO SPECIFICALLY DESIGNATED CLASSIFIED INFORMATION PROTECTED WITHIN SPECIAL ACCESS PROGRAMS COULD BE SUBJECT TO A POLYGRAPH EXAMINATION UNDER THIS POLICY. BUT SINCE THESE

THESE CATEGORIES OF ESPECIALLY SENSITIVE INFORMATION HAVE NOT YET BEEN IDENTIFIED, A PRECISE ESTIMATE OF HOW MANY PERSONS MIGHT ULTIMATELY BE AFFECTED IS NOT POSSIBLE AT THIS TIME. SUFFICE IT TO SAY, THE DEPARTMENT DOES NOT ANTICIPATE MORE THAN 10,000 SUCH EXAMINATIONS BEING ADMINISTERED IN ANY GIVEN YEAR, EVEN IF THIS PROGRAM WERE FULLY IMPLEMENTED. YOU MUST UNDERSTAND THAT WE ARE NOT TALKING ABOUT POLYGRAPHS FOR ALL PERSONS WITH SOME FORM OF SPECIAL ACCESS, BUT RATHER THOSE WITH ACCESS TO SPECIFICALLY DESIGNATED INFORMATION WITHIN SPECIAL ACCESS PROGRAMS. THUS WE ARE NOT TALKING ABOUT EVERYONE WITH ACCESS TO SENSITIVE COMPARTMENTED INFORMATION OR SCI, BUT RATHER THOSE WITH ACCESS TO SPECIFICALLY DESIGNATED, ESPECIALLY SENSITIVE, INFORMATION WITHIN THE CATEGORY OF SCI. THIS DETERMINATION WILL BE LEFT TO MY OFFICE BASED UPON THE JUSTIFICATIONS PROVIDED BY THE HEADS OF DOD COMPONENTS WHO WISH TO INSTITUTE A LIMITED POLYGRAPH AS A CONDITION OF ACCESS TO SUCH DATA.

A SECOND PROPOSED CHANGE TO EXISTING POLICY WOULD AUTHORIZE USE OF THE POLYGRAPH TO ASSIST IN DETERMINING AN INDIVIDUAL'S ELIGIBILITY FOR EMPLOYMENT, ASSIGNMENT OR DETAIL TO A POSITION WITHIN THE DEFENSE INTELLIGENCE AGENCY THAT IS DESIGNATED AS A CRITICAL INTELLIGENCE POSITION BY THE DIRECTOR, DIA.

THE EXCLUSION OF THE NATIONAL SECURITY AGENCY AND THE CENTRAL INTELLIGENCE AGENCY FROM THE PROVISIONS OF H.R. 4681 INDICATES THAT THERE IS STRONG CONSENSUS THAT THE EXTREME SENSITIVITY OF THE INFORMATION DEVELOPED BY THESE AGENCIES WARRANTS THE EMPLOYMENT OF PARTICULARLY STRINGENT SECURITY MEASURES, TO INCLUDE USE OF THE POLYGRAPH, TO PROPERLY SAFEGUARD THIS

INFORMATION. CLEARLY, THERE ARE POSITIONS WITHIN THE DEFENSE INTELLIGENCE AGENCY WHICH REQUIRE ACCESS TO INFORMATION THAT IS EQUALLY AS SENSITIVE AS THAT FOUND IN NSA OR CIA. MOREOVER, THERE ARE MANY POSITIONS WITHIN DIA THAT, IN FACT, REQUIRE ACCESS TO HIGHLY CLASSIFIED NSA OR CIA DEVELOPED INFORMATION.

A FINAL, THOUGH NOT PARTICULARLY SIGNIFICANT, CHANGE TO CURRENT POLICY WOULD AUTHORIZE USE OF THE POLYGRAPH TO ASSIST IN DETERMINING THE ELIGIBILITY OF INDIVIDUALS FOR INTERIM ACCESS TO VERY SENSITIVE CLASSIFIED INTELLIGENCE SOURCES AND METHODS INFORMATION. THIS PROCEDURE WOULD BE USED ONLY WITH THE CONSENT OF THE EMPLOYEE TO COVER THOSE RARE AND UNUSUAL CIRCUMSTANCES WHEREIN IT MIGHT BE NECESSARY TO UTILIZE AN INDIVIDUAL'S SERVICES BEFORE THE TRADITIONAL PERSONNEL SECURITY FIELD INVESTIGATION CAN BE COMPLETED WITHIN THE TIME LIMIT REQUIRED. IT WOULD NOT, HOWEVER, BE CONSIDERED A SUBSTITUTE FOR THE BACKGROUND INVESTIGATION WHICH WOULD BE COMPLETED IN ANY EVENT.

THE DOD PROPOSAL INCLUDES STRINGENT SAFEGUARDS TO PROTECT THE RIGHTS OF EMPLOYEES BEFORE, DURING AND AFTER THE CONDUCT OF THE EXAMINATION.

FOR EXAMPLE: NO QUESTION COULD BE ASKED DURING THE EXAMINATION WHICH HAD NOT BEEN REVIEWED WITH THE SUBJECT PREVIOUSLY. LEGAL COUNSEL COULD BE AVAILABLE TO THE SUBJECT DURING THE EXAMINATION. ANYONE WHO DID NOT PASS ONE EXAMINATION WOULD BE ENTITLED TO A SECOND EXAMINATION BY THE SAME OR A DIFFERENT EXAMINER. THE TECHNICAL RECORDS OF THE EXAMINATION MAY NOT BE DISSEMINATED OUTSIDE THE OFFICE CONDUCTING THE EXAMINATION

EXCEPT AS REQUIRED BY LAW. AT ENCLOSURE 2 IS A DETAILED LISTING OF THE REQUIRED SAFEGUARDS.

IN SHORT, MR. CHAIRMAN, WE HAVE MADE EVERY EFFORT TO DEVISE A PROPOSAL FOR UTILIZING THE POLYGRAPH THAT IS LIMITED IN TERMS OF THOSE WHO MAY BE SUBJECT TO IT; LIMITED, IN TERMS OF THE KINDS OF QUESTIONS THAT MAY BE ASKED; AND LIMITED, IN TERMS OF ITS EFFECT ON A PARTICULAR INDIVIDUAL. AT THE SAME TIME, WE HAVE PROVIDED AS MANY SAFEGUARDS FOR THE ENTIRE PROCESS AS WE CAN DEVISE TO ENSURE OUR EMPLOYEES ARE TREATED FAIRLY, AND THAT THEIR RIGHTS AND PRIVACY ARE PROTECTED.

IT IS DIFFICULT FOR US TO IGNORE THE DEMONSTRATED UTILITY OF THE POLYGRAPH AT CIA AND NSA, WHERE IT HAS BEEN SUCCESSFULLY PUT TO USE FOR OVER TWENTY YEARS. ONE CANNOT ALSO IGNORE THE FACT THAT OUR ADVERSARIES' EFFORTS TO PENETRATE THE DEFENSE AND INTELLIGENCE ESTABLISHMENTS CONTINUE UNABATED, AND, REGRETTABLY, HAVE BEEN SUCCESSFUL, TO THE GREAT DETRIMENT OF THE UNITED STATES AND HER ALLIES. THE CASES I PREVIOUSLY CITED ARE RECENT REMINDERS OF THE RELENTLESS NATURE OF THE ESPIONAGE THREAT, AND INDEED, THE DAMAGE THAT CAN BE INFLICTED BY A SINGLE INDIVIDUAL. WE CAN SPEND BILLIONS OF DOLLARS ON SOPHISTICATED MILITARY SYSTEMS, COMMUNICATIONS SYSTEMS OR INTELLIGENCE-GATHERING PROGRAMS, ONLY TO HAVE THEM RENDERED INEFFECTIVE AS A RESULT OF ONE PERSON'S TREACHERY. WE WONDER, THEN, WHETHER IT IS WISE TO FORECLOSE, AS H.R. 4681 WOULD DO, ONE AVAILABLE MEANS OF COPING WITH THIS INSIDIOUS THREAT. OF COURSE, THE POLYGRAPH IS NOT A PERFECT TOOL, BUT WE BELIEVE IT CAN BE USED TO SUPPLEMENT OTHER

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SECURITY MEASURES IN A MANNER THAT PROTECTS THE RIGHTS OF FEDERAL EMPLOYEES, WHILE AT THE SAME TIME GIVING US INDICATION OF POTENTIAL SECURITY PROBLEMS IN OUR MOST SENSITIVE PROGRAMS THAT WE DO NOT NOW HAVE.

NOW, LET ME CONCLUDE WITH SOME BRIEF REMARKS CONCERNING PRE-PUBLICATION REVIEW. HR. 4681 WOULD HAVE THE EFFECT OF PROHIBITING THE USE OF AGREEMENTS WITH PRE-PUBLICATION REVIEW REQUIREMENTS IN THEM, EXCEPT AT CIA AND NSA, AND WOULD RESCIND ANY OTHER SUCH AGREEMENTS WHICH ARE ALREADY IN EFFECT.

WE DID NOT IMPLEMENT THE NEW NON-DISCLOSURE AGREEMENT, CONTAINING THE PRE-PUBLICATION REVIEW REQUIREMENT, DEVELOPED UNDER NSDD-84. WE DID, HOWEVER, IN MARCH OF 1982, AT THE REQUEST OF THE DIRECTOR OF CENTRAL INTELLIGENCE, COMMENCE USE OF THE CIA'S UNIFORM NONDISCLOSURE AGREEMENT, CONTAINING A PRE-PUBLICATION REVIEW PROVISION AS A CONDITION OF ACCESS TO SENSITIVE COMPARTMENTED INFORMATION OR SCI. SINCE MARCH 1982 AND CONTINUING CURRENTLY, APPROXIMATELY 100,000 PERSONS WITH SCI ACCESS IN DOD, EXCLUDING NSA, HAVE SIGNED THIS FORM. ALTHOUGH IT IMPOSES A LIFETIME OBLIGATION TO SUBMIT FOR REVIEW TO THE EMPLOYING AGENCY DOCUMENTS THAT A PERSON MAY WRITE FOR PUBLICATION WHICH IN HIS JUDGMENT CONTAIN SCI, RELATIVELY FEW HAVE DECLINED TO SIGN THE AGREEMENT.

ALTHOUGH IT IS EARLY TO ASSESS THE UTILITY OF THIS AGREEMENT, IT DOES NOT TO DATE APPEAR TO HAVE HAD A SIGNIFICANT IMPACT. LEAVING NSA ASIDE (WHERE SUCH AGREEMENTS HAVE BEEN COMMONPLACE FOR MANY YEARS), THERE HAVE BEEN ONLY FIVE DOCUMENTS SUBMITTED FOR REVIEW UNDER THE SCI AGREEMENT

DOD-WIDE, AND NONE OF THOSE INVOLVED FORMER EMPLOYEES. TO OUR KNOWLEDGE, THERE HAVE BEEN NO KNOWN INSTANCES OF NON-COMPLIANCE BY FORMER EMPLOYEES WHO HAVE SIGNED THE AGREEMENT, ALTHOUGH ADMITTEDLY THE AGREEMENTS HAVE BEEN IN FORCE FOR ONLY A SHORT TIME.

IF H.R. 4681 WERE ENACTED, IT OBVIOUSLY WOULD HAVE THE EFFECT OF RESCINDING THE OLD NON-DISCLOSURE AGREEMENTS THAT HAVE BEEN SIGNED IN DOD SINCE MARCH 1982 -- ALL 100,000 OF THEM; AND IT WOULD PRECLUDE THEIR USE IN THE FUTURE IN ALL DOD COMPONENTS, SAVE NSA.

WHETHER FORMER EMPLOYEES WITH SCI ACCESS SHOULD HAVE A LASTING CONTRACTUAL OBLIGATION TO SUBMIT MATERIALS WHICH MAY CONTAIN SCI FOR GOVERNMENT REVIEW IS THE ISSUE, AND ONE WHICH HAS PROVEN VERY CONTENTIOUS. WHILE THERE ARE FEW CASES TO DEMONSTRATE A SIGNIFICANT PROBLEM -- THAT IS, WHERE FORMER EMPLOYEES WITH SCI ACCESS ACTUALLY WRITE ABOUT SENSITIVE INTELLIGENCE SOURCES AND METHODS -- WHEN THESE DO OCCUR, THE EXISTENCE OF A NON-DISCLOSURE AGREEMENT OR CONTRACT DOES PROVIDE THE GOVERNMENT WITH A REMEDY SANCTIONED BY THE SUPREME COURT IN THE SNEPP CASE THAT IT OTHERWISE WOULD NOT HAVE -- A CIVIL CAUSE OF ACTION. MOREOVER, THE REVIEW PROCESS IN EFFECT FOR SOME TIME AT CIA AND NSA HAS IN FACT SUCCEEDED IN PREVENTING A CONSIDERABLE AMOUNT OF CLASSIFIED INFORMATION FROM BEING DISCLOSED TO THE PUBLIC.

WE BELIEVE THESE BENEFITS JUSTIFY THE ESTABLISHMENT OF A PRE-PUBLICATION REVIEW REQUIREMENT IN THE SCI AREA, AND THE IMPOSITION OF A LASTING, ALBEIT VERY LIMITED OBLIGATION ON FORMER EMPLOYEES WHO HAD SCI ACCESS, TO SUBMIT DOCUMENTS WHICH IN THEIR JUDGMENT MAY REVEAL INTELLIGENCE SOURCES

AND METHODS.. H.R. 4681 WOULD OBVIOUSLY CHANGE THAT, AND FORBID THE IMPOSITION OF SUCH REQUIREMENTS IN THE FUTURE.

I WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

### COUNTERINTELLIGENCE SCOPE

- When the scope of a polygraph examination authorized under this Regulation is limited to counterintelligence areas, questions posed in the course of such examinations shall be limited to those necessary to determine:

#### WHETHER THE EXAMINEE HAS:

1. Ever engaged in espionage or sabotage against the United States.
2. Knowledge of anyone who is engaged in espionage or sabotage against the United States.
3. Ever been approached to give or sell any classified materials to unauthorized persons.
4. Ever given or sold any classified materials to unauthorized persons.
5. Knowledge of anyone who has given or sold classified materials to unauthorized persons.
6. Any unauthorized contact with representatives of a foreign government.

End 1

## **DoD POLYGRAPH PROGRAM**

### **SAFEGUARDS TO PROTECT RIGHTS OF PERSONNEL**

- . Individuals must be given timely notification of the date, time and place of the polygraph examination.
- . Individuals must be advised of their right to obtain and consult with legal counsel and to have legal counsel available for consultation during the polygraph examination.\*
- . Individuals must be advised of their privilege against self-incrimination.\*
- . Examinee may, upon his or her own volition or upon advice of legal counsel, terminate the polygraph examination at any time.
- . No relevant questions may be asked during the examination that have not been reviewed with the examinee prior to the examination.
- . All questions asked concerning the matter at issue must have a special relevance to the subject of the inquiry. Probing of a person's thoughts or beliefs and questions about conduct which have no security implication or are not directly relevant to an investigation are prohibited (e.g., religion, racial matters, political beliefs and affiliations.)
- . Technical questions necessary to the polygraph technique must be constructed to avoid embarrassing, degrading or unnecessarily intrusive questions.
- . Relevant questions asked during polygraph examinations conducted for the purpose of assisting in determining eligibility for initial or continued access to classified information must be limited to prescribed counterintelligence topics.
- . Results of an analysis of polygraph charts must be considered in the context of other investigative effort, and not as conclusive in themselves of the matter under investigation.

\* Does not pertain to polygraph examinations conducted in connection with individuals who are or who purport to be agents, sources or operatives in intelligence operations.

- . When a polygraph examination results in a finding of deception indicated, the examinee has the right to request a second examination by the examining agency.
- . Individuals transferred or reassigned to a nonsensitive position in connection with their refusal to undergo a polygraph examination shall not incur any loss in grade, rank or pay.
- . The fact that an individual has refused to undergo a polygraph examination shall not be disseminated to the individual's supervisor or employer, unless administrative action is being considered.
- . Any adverse consequences taken in cases involving the polygraph are appealable in accordance with applicable personnel or security appeals procedures.
- . Prior to the examination, examinee must be advised of the nature and characteristics of the polygraph instrument, including an explanation of the physical operation of the instrument and the procedures to be followed during the examination.
- . Examinee must be advised if the polygraph examination area contains a two-way mirror or other device, through which the examinee can be observed and if other devices such as those used in conversation monitoring or recording, will be used simultaneously with the polygraph.
- . Polygraph examination technical reports shall be retained by the office conducting the polygraph examination and shall not be disseminated outside the Department of Defense except as required by law.
- . The results of a polygraph examination may be made available only to:
  - .. Officials within DoD responsible for personnel security, intelligence, counterintelligence, law enforcement, and the administration of justice.
  - .. Law enforcement officials outside DoD when the examination has been conducted in connection with the investigation of a criminal offense or reveals criminal activity on the part of the individual examined.
  - .. The examinee or his or her legal counsel, upon request.
  - .. DoD Component members of the National Foreign Intelligence Board (NFIB) and other NFIB member agencies provided there is an official need for the material and the third agency limitation will be applied.
  - .. The National Archives and Records Service, General Service Administration, upon retirement of the file.

- **Polygraph examinations shall be administered only by DoD polygraph examiners who have been selected, trained, and certified in accordance with established DoD policies and procedures.**
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**STATEMENT**

**OF**



**DIRECTOR OF SECURITY**

**NATIONAL SECURITY AGENCY**

**BEFORE**

**THE ARMED SERVICES COMMITTEE**

**U.S. HOUSE OF REPRESENTATIVES**

**SEPTEMBER 6, 1984**

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MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE TODAY TO EXPLAIN THE POLYGRAPH PROGRAM AT THE NATIONAL SECURITY AGENCY.

NSA, AND ITS PREDECESSOR AGENCY, HAS USED THE POLYGRAPH AS A PERSONNEL SECURITY SCREENING TECHNIQUE SINCE 1951. ORIGINALLY IT WAS USED AS AN EMERGENCY MEASURE TO EXPEDITE THE SECURITY PROCESSING OF NEW EMPLOYEES WHO WERE AWAITING CLEARANCE. IN 1953, THE POLYGRAPH EXAMINATION BECAME A CONDITION OF ACCESS FOR ALL CIVILIAN JOB APPLICANTS. SINCE THE 1950s A POLYGRAPH EXAMINATION HAS ALSO BEEN A REQUIREMENT FOR CONTRACTOR PERSONNEL REQUIRING SENSITIVE COMPARTMENTED INFORMATION (SCI) ACCESS. WE ALSO POLYGRAPH OTHER AFFILIATES SUCH AS GSA CUSTODIAL PERSONNEL, FEDERAL PROTECTIVE SERVICE POLICE AND CONSULTANTS. IN LATE 1982 WE INITIATED A PROGRAM TO POLYGRAPH MILITARY ASSIGNEES ONCE THEY ARE ON-BOARD AT NSA. I WILL SAY MORE ABOUT THIS LATER.

THE FUNCTION OF THE POLYGRAPH IS THREEFOLD:

FIRST, TO ASSIST IN VERIFYING THE IDENTITY OF AN INDIVIDUAL BEING CONSIDERED FOR ACCESS TO SCI. SECOND, TO ASSIST IN FOCUSING UPON SUITABILITY AND COUNTERINTELLIGENCE ISSUES, THOUGH I MUST ADD THAT FROM MY POINT OF VIEW ALL OUR POLYGRAPH QUESTIONS AND PROGRAMS ARE CONCERNED WITH COUNTERINTELLIGENCE.

THIRD, TO DETECT ESPIONAGE, SABOTAGE AND TERRORISM OR THE POTENTIAL FOR SAME.

WE CONDUCT THREE BASIC POLYGRAPH EXAMINATIONS AT NSA WHICH SUPPORT OUR OVERALL PERSONNEL SECURITY SUPERVISION PROGRAM. THIS PERSONNEL SECURITY SUPERVISION PROGRAM INVOLVES THE CONDUCT OF APPROPRIATE APPLICANT AND EMPLOYEE TYPE INVESTIGATIONS, AN AGGRESSIVE SECURITY AWARENESS PROGRAM AND PROFESSIONAL SECURITY OFFICERS ASSIGNED TO MAJOR AGENCY ORGANIZATIONS.

THE FIRST POLYGRAPH PROGRAM IS FOR INITIAL ACCESS TO SENSITIVE INFORMATION. HERE WE CONDUCT FULL SCREENING POLYGRAPH EXAMINATIONS OF APPLICANTS FOR EMPLOYMENT, CONTRACTOR APPLICANTS FOR ACCESS, GSA PERSONNEL AND A FEW OTHER CATEGORIES OF AFFILIATES. THE FULL SCREENING POLYGRAPH EXAMINATION CONSISTS OF RELEVANT QUESTIONS ABOUT THE FOLLOWING TOPICS.

- . IDENTITY OF PERSON BEING POLYGRAPHED
- . ESPIONAGE
- . SABOTAGE
- . UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION
- . UNAUTHORIZED CONTACTS WITH REPRESENTATIVES OR AGENTS OF FOREIGN GOVERNMENTS
- . INVOLVEMENT IN COMMUNIST, FASCIST OR TERRORIST ACTIVITY
- . SERIOUS CRIMES
- . ADULT HOMOSEXUAL ACTIVITY

- . ILLEGAL DRUGS OR NARCOTICS
- . DELIBERATE FALSIFICATION OF SECURITY FORMS
- . SERIOUS MENTAL DISORDERS

A SECOND PROGRAM IS FOR SINGLE OR SPECIAL ISSUES. HERE WE USE THE POLYGRAPH TO HELP RESOLVE ISSUES BEARING ON THE CONTINUED ACCESS OF AN AFFILIATE - FOR EXAMPLE TO RESOLVE ALLEGATIONS OF DRUG USE OR POSSIBLE ESPIONAGE BY AN AFFILIATE.

WE HAVE HAD THESE TWO PROGRAMS FOR MORE THAN 30 YEARS.

OUR THIRD PROGRAM IS THE APERIODIC AND REINVESTIGATION POLYGRAPH. IN AUG 1982 DEPUTY SECRETARY OF DEFENSE CARLUCCI, ACTING ON RECOMMENDATIONS FROM THE DOD SELECT PANEL ON PERSONNEL SECURITY, AUTHORIZED POLYGRAPH EXAMINATIONS OF DOD AFFILIATES WHO HELD SENSITIVE COMPARTMENTED INFORMATION ACCESS. IN OCTOBER 1982, WE IMPLEMENTED THIS PROGRAM AT NSA. SINCE THEN WE HAVE BEEN POLYGRAPHING ON-BOARD AFFILIATES, PERSONS HAVING ACCESS TO SENSITIVE NSA INFORMATION: EMPLOYEES, CONTRACTOR PERSONNEL, AND MILITARY ASSIGNEES. THE PROGRAM APPLIES TO EVERYONE. IT IS MANDATORY. THE SCOPE OF THIS POLYGRAPH PROGRAM IS LIMITED STRICTLY TO COUNTERINTELLIGENCE QUESTIONS: ESPIONAGE, SABOTAGE, UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION, UNAUTHORIZED CONTACT WITH AGENTS OF FOREIGN GOVERNMENTS AND KNOWLEDGE OF OTHERS INVOLVED IN THE FOREGOING. FOR OUR PURPOSES TODAY I WILL CALL THIS THE APERIODIC POLYGRAPH PROGRAM THOUGH IN FACT WE

POLYGRAPH OUR AFFILIATES UNDER THIS PROGRAM UNDER SEVERAL CRITERIA:

- . RANDOMLY, APERIODICALLY
- . AT THE TIME OF THE FIVE YEAR REINVESTIGATION
- . FOR ESPECIALLY SENSITIVE PROJECTS

SOME STATISTICS ON THIS NEWEST NSA POLYGRAPH (AND I MUST ADD HERE THAT IN YEARS PAST WE HAVE HAD VERSIONS OF THIS PROGRAM BUT LACKING THE MANDATORY FEATURE) ARE QUITE INTERESTING. FOR EXAMPLE, THIS YEAR ALONE, FROM 1 JANUARY TO 30 JUNE 1984, WE POLYGRAPHED 1322 AFFILIATES UNDER THE APERIODIC PROGRAM. SOME 23 OF THESE 1322 PEOPLE PROVIDED US RELEVANT INFORMATION REQUIRING A MORE DETAILED CLEARANCE EVALUATION. THE INFORMATION THEY PROVIDED IS QUITE MISCELLANEOUS - I WILL GIVE YOU THREE EXAMPLES.

. AN INDIVIDUAL DESCRIBED A SUSPICIOUS APPROACH BY FOREIGN PERSONNEL AND HAD FAILED TO REPORT THIS INCIDENT PREVIOUSLY. WE INVESTIGATED AND PROVIDED THE INFORMATION TO THE FBI. OUR EMPLOYEE HAS BEEN REMINDED OF HIS OBLIGATION TO IMMEDIATELY REPORT SUSPICIOUS APPROACHES BY FOREIGN PERSONNEL.

. AN INDIVIDUAL KEPT A CLASSIFIED MILITARY MANUAL IN HIS POSSESSION AT HIS RESIDENCE FOR SEVERAL YEARS. HE ORIGINALLY TOOK THE MANUAL HOME TO STUDY FOR A TEST. HE RETURNED THE MANUAL TO US.

. ANOTHER INDIVIDUAL KNEW OF IMPROPER DESTRUCTION OF CRYPTO MATERIAL. HOWEVER, HE WAS NOT PERSONALLY INVOLVED.

NOW I'LL DESCRIBE THE OVERALL SCOPE AND IMPACT OF OUR POLYGRAPH ACTIVITIES. FROM 1 JULY 1983 TO 30 JUNE 1984 WE CONDUCTED A TOTAL OF 11,442 POLYGRAPH EXAMINATIONS IN ALL THE PROGRAMS I'VE DESCRIBED. WE INITIATED THE SECURITY PROCESSING OF 4476 APPLICANTS. WE CANCELLED OUT 2601 OR MORE THAN 50 PERCENT FOR A VARIETY OF REASONS INCLUDING THE APPLICANT DECLINING TO PARTICIPATE IN FURTHER APPLICANT PROCESSING OR DECLINING A JOB OFFER. NSA'S APPLICANT REVIEW PANEL IS COMPOSED OF PERSONNEL, SECURITY AND MEDICAL MANAGERS, LOOKS AT PROBLEM CASES TO DECIDE IF PROCESSING SHOULD PROCEED. THE PROBLEM MAY BE MEDICAL OR PSYCHOLOGICAL, SECURITY, EMPLOYABILITY. THIS PANEL REJECTED 793 PEOPLE FOR FURTHER PROCESSING (INCLUDED IN THE 2601 I MENTIONED ABOVE). I ESTIMATE THAT IN 90 PERCENT OF THE PANEL CASES - OR 714 OF THE 793 - INFORMATION OBTAINED DURING THE POLYGRAPH INTERVIEW WAS RELEVANT TO THE DECISION NOT TO FURTHER PROCESS.

WHILE THE POLYGRAPH PROCESS IS A SIGNIFICANT COLLECTOR OF INFORMATION IN OUR APPLICANT PROCESSING IT IS NO LESS A FACTOR IN THE CLEARANCE PROCESSING OF CONTRACTOR PERSONNEL. DURING THE FIRST HALF OF 1984 WE POLYGRAPHED 1202 CONTRACTOR PERSONNEL. ONE HUNDRED AND SIXTY-SEVEN WERE DENIED ACCESS BASED ON INFORMATION DEVELOPED DURING THE POLYGRAPH INTERVIEW.

THE NSA PERSONNEL SECURITY PROGRAM IS ESTABLISHED IN PUBLIC LAW 88-290 AND WE ADHERE TO THE STANDARDS SET BY THE DCI FOR ACCESS TO SENSITIVE INFORMATION. MOST DISQUALIFYING INFORMATION DISCLOSED DURING THE FULL SCREENING POLYGRAPH EXAMINATION CONCERNS EXTENSIVE DRUG USE OR UNDETECTED CRIMES. WHILE OF COURSE RARE, WE HAVE HAD SOME EXTRAORDINARY ADMISSIONS MADE BY APPLICANTS DURING THE POLYGRAPH INTERVIEW - MURDER AND TRAIN WRECKING FOR EXAMPLE. YOU WILL SEE EXAMPLES OF IMPORTANT INFORMATION DEVELOPED DURING OUR POLYGRAPH EXAMINATIONS IN TWO STUDIES BEING PUT BEFORE YOU - THE DOD/NSA STUDY ON THE ACCURACY AND UTILITY OF POLYGRAPH TESTING AND THE DCI SECURITY COMMITTEE SUMMARY OF MAJOR POLYGRAPH CASES IN THE INTELLIGENCE COMMUNITY POLYGRAPH UTILITY STUDY, FEBRUARY 1984. I WILL RETURN TO THIS AREA.

PRIOR TO MR. CARLUCCI'S AUG 1982 POLICY WE DID NOT ROUTINELY POLYGRAPH MILITARY ASSIGNEES. BEGINNING 1 OCTOBER 1984, ALL MILITARY PERSONNEL UNDER CONSIDERATION FOR ASSIGNMENT OR DETAIL TO NSA SHALL BE REQUIRED TO UNDERGO A CI-SCOPE POLYGRAPH EXAMINATION IN DETERMINING THEIR ELIGIBILITY FOR SUCH ASSIGNMENT OR DETAIL. WHERE POSSIBLE THESE POLYGRAPH EXAMINATIONS WILL BE BY THEIR PARENT SERVICE PRIOR TO ASSIGNMENT TO NSA. AND, AS I MENTIONED, MILITARY PERSONNEL ARE ALSO UNDER THE MANDATORY NSA APERIODIC POLYGRAPH PROGRAM. DURING THE FIRST TEN MONTHS OF FY 1984, 639 MILITARY PERSONNEL HAVE BEEN POLYGRAPHED AT NSA UNDER THIS PROGRAM.

THESE THEN, ARE THE POLYGRAPH PROGRAMS. THEY ARE ONLY AS EFFECTIVE AS THE POLYGRAPH AND THOSE THAT USE IT CAN MAKE IT.

THE CURRENT INSTRUMENTS USED BY FEDERAL AGENCIES ARE THE PRODUCT OF 85 YEARS OF DEVELOPMENT BY SCIENTISTS AND PRACTITIONERS. THE PHYSIOLOGICAL CHANNELS WHICH THEY RECORD ARE THE PRODUCT OF LENGTHY RESEARCH. THE INSTRUMENTS, WHICH ARE OF SCIENTIFIC QUALITY, RECORD RESPIRATION, ELECTRODERMAL RESPONSES, AND CARDIOVASCULAR RESPONSES. THE PHYSIOLOGICAL INFORMATION IS RECORDED ON A MOVING CHART WHICH HAS A SPEED OF 2 1/2 MILLIMETERS PER SECOND (ABOUT SIX INCHES PER MINUTE). IN EACH POLYGRAPH EXAMINATION, THERE ARE AT LEAST TWO POLYGRAPH CHARTS OF SEVERAL MINUTES EACH. IN MORE COMPLEX SITUATIONS, THERE MAY BE AS MANY AS SIX OR SEVEN CHARTS. THE MINIMUM TIME FOR AN INTERVIEW, INCLUDING A POLYGRAPH EXAMINATION IS ABOUT ONE HOUR, BUT IT MORE OFTEN TAKES FROM ONE AND ONE HALF TO THREE HOURS, AND OCCASIONALLY LONGER THAN THAT.

IN THE PRETEST INTERVIEW, THE SUBJECT OF THE EXAMINATION READS A FULL STATEMENT OF HIS RIGHTS. IN ALL CASES THAT INCLUDES MENTION OF THE FIFTH AMENDMENT RIGHT TO AVOID SELF-INCRIMINATION, MENTION THAT THE SUBJECT MAY REFUSE TO ANSWER ANY QUESTIONS, AND THAT THE SUBJECT MAY TERMINATE THE INTERVIEW AT ANY TIME. IN A CRIMINAL CASE THE MIRANDA WARNING IS INCLUDED, OR ARTICLE 31 OF THE UNIFORM CODE OF MILITARY JUSTICE. WHEN THE POLYGRAPH IS USED IN DETERMINATIONS FOR CLEARANCE AND ACCESS TO CLASSIFIED INFORMATION, WE ADVISE OF THE PRIVACY ACT OF 1974 WHICH INCLUDES A DISCUSSION OF THE PRINCIPAL PURPOSES FOR WHICH THE INFORMATION

WILL BE USED AND MENTIONS THAT THE DISCLOSURE OF THE INFORMATION IS VOLUNTARY, AND THE INFORMATION WILL BE CONSIDERED CONFIDENTIAL. IT WARNS THE PERSON THAT ANY INFORMATION PROVIDED RELATING TO VIOLATION OF CRIMINAL LAWS MAY BE DISSEMINATED TO LAW ENFORCEMENT AGENCIES.

FOLLOWING THE EXPLANATION OF THE SUBJECT'S RIGHTS, THERE IS A REVIEW OF THE SUBJECT'S GENERAL HEALTH, AND FITNESS TO TAKE A POLYGRAPH EXAMINATION. AFTER THAT THE EXAMINER REVIEWS THE ISSUES THAT ARE TO BE RESOLVED DURING THE POLYGRAPH EXAMINATION WHICH INCLUDES AN OPPORTUNITY FOR THE SUBJECT TO EXPLAIN IN DETAIL HIS OR HER VIEW OF THE MATTER UNDER CONSIDERATION. WORKING WITH THE EXAMINER, THE SUBJECT AND EXAMINER ARRIVE AT MUTUALLY ACCEPTABLE QUESTIONS TO RESOLVE THE ISSUES. THE TESTING TECHNIQUE IS THEN EXPLAINED IN DETAIL TO THE SUBJECT. THE ATTACHMENTS WHICH ARE PLACED ON THE SUBJECT ARE ALSO EXPLAINED IN DETAIL. THE SUBJECT IS ASKED TO SIT STILL, PAY ATTENTION TO THE QUESTIONS AND ANSWER WITH A DEFINITE "YES" OR "NO", AS APPROPRIATE.

BASICALLY, THE POLYGRAPH EXAMINATION IS A METHOD OF QUESTIONING WHEREBY AN INDIVIDUAL IS REQUIRED TO UNEQUIVOCALLY RESPOND WITH A YES OR NO ANSWER TO DIRECT QUESTIONS WHICH HAVE BEEN PREVIOUSLY REVIEWED WITH AND THE ANSWERS AGREED UPON BY THE SUBJECT OF THE EXAMINATION. THIS QUESTIONING IS DONE WHILE THE

EXAMINEE IS ATTACHED TO A VERY SENSITIVE INSTRUMENT WHICH MONITORS THE PERSON'S RESPIRATION, ELECTRODERMAL RESPONSE, AND CARDIOVASCULAR ACTIVITY TO DETERMINE IF THERE ARE ANY SIGNIFICANT AND CONSISTENT CHANGES IN THESE AREAS IN DIRECT RESPONSE TO ANY OF THE QUESTIONS. THE OBJECTIVE IS TO ASCERTAIN THAT THERE ARE NO REACTIONS WHICH WOULD INDICATE THAT, AT THE TIME OF THE EXAMINATION, THE ANSWERS POSED NO PROBLEMS NOR STIRRED ANY ANXIETY. SHOULD SIGNIFICANT AND CONSISTENT REACTIONS OCCUR TO ANY ONE OR MORE OF THE QUESTIONS, THIS WOULD BE A DEFINITE INDICATOR THAT THE ANSWER PROVIDED TO THE QUESTION AS WORDED ON THE TEST WAS NOT CONSIDERED COMPLETELY SATISFACTORY BY THE EXAMINEE.

REACTIONS ARE SIGNIFICANT CHANGES FROM THE BASELINE RECORDING WHICH IS ESTABLISHED AS THE NORM IN EACH OF THE RECORDED AREAS AT THE BEGINNING OF EACH POLYGRAM OR CHART. DEPENDING ON THE INDIVIDUAL EXAMINEE, THESE CHANGES MAY BE AS MASSIVE AS A TOTAL CESSATION OF BREATHING OR A MAJOR INCREASE IN BLOOD PRESSURE OR AS SUBTLE AS A CHANGE IN THE INHALATION - EXHALATION PATTERN OF RESPIRATION OR SLIGHT DECREASE IN SKIN RESISTANCE. THE POINT IS THAT THE REACTIONS WILL OCCUR SPECIFICALLY AT THE PROBLEM QUESTION AND NOT RANDOMLY, THEY WILL BE SIGNIFICANT TO THE TRAINED EXAMINER, AND THEY WILL BE CONSISTENTLY OCCURRING AT THE PROBLEM QUESTION WHENEVER IT IS ASKED.

UPON COMPLETION OF THE TEST SERIES, THE EXAMINER MAKES AN INITIAL EVALUATION OF THE CHARTS. IF THE RESULTS INDICATE DECEPTION, THE SUBJECT IS TOLD THAT, AND THE SPECIFIC QUESTIONS ARE DISCUSSED. THE SUBJECT IS GIVEN EVERY OPPORTUNITY TO EXPLAIN HIS SPECIFIC REACTIONS TO THESE QUESTIONS AND TO MAKE ANY ADMISSION THAT HE CHOOSES. THE INFORMATION PROVIDED WILL BE THE BASIS OF ADDITIONAL OR MODIFIED TEST QUESTIONS IN THOSE AREAS IN AN EFFORT TO RESOLVE THE ISSUE.

AT NSA, AT THE CONCLUSION OF THE EXAMINATION AND INTERVIEW, THE INFORMATION PROVIDED BY THE EXAMINEE IS REVIEWED WITH HIM BY THE EXAMINER TO ENSURE THAT IT HAS BEEN ACCURATELY NOTED BY THE EXAMINER. WHEN THE EXAMINER BEGINS TO PREPARE HIS REPORT OF THE EXAMINATION, HE WILL AGAIN ANALYZE THE CHARTS PRIOR TO MAKING HIS FINAL DETERMINATION. THE REPORT OF THE EXAMINATION, INCLUDING THE POLYGRAPH CHARTS, THE EXAMINER'S ORIGINAL NOTES, AND THE AUDIO TAPE OF THE EXAMINATION AND REVIEW WITH THE EXAMINEE, IS REVIEWED BY A SUPERVISOR WHO IS A SENIOR EXAMINER. THIS INDIVIDUAL WILL DO A SEPARATE ANALYSIS OF THE CHARTS AND THEN REVIEW THE REPORT WITH THE TAPE TO ENSURE ACCURACY. ONCE HE IS SATISFIED IN THESE AREAS, THE REPORT IS FORWARDED TO OUR CLEARANCE DIVISION, A COMPLETELY SEPARATE ENTITY WITHIN THE OFFICE OF SECURITY, WHERE THE INFORMATION IS EVALUATED TO DETERMINE THE INDIVIDUAL'S ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION IN ACCORDANCE WITH THE STANDARDS

ESTABLISHED BY DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/14  
(DCID 1/14).

IF THE INFORMATION PROVIDED IS CONSIDERED DISQUALIFYING AND THE INDIVIDUAL IS A MILITARY ASSIGNEE, THE SPONSORING SERVICE IS NOTIFIED AND USUALLY TAKES APPROPRIATE ACTION TO REASSIGN THE PERSON TO OTHER DUTIES. IF THE INFORMATION PROVIDED IS NOT CONSIDERED DISQUALIFYING BUT THE ASSIGNEE DID NOT PASS THE POLYGRAPH EXAMINATION, ANOTHER EXAM WILL BE SCHEDULED WITH ANOTHER EXAMINER TO ATTEMPT TO RESOLVE THIS MATTER.

THIS THEN, IS THE MANNER IN WHICH A "REAL WORLD" POLYGRAPH EXAMINATION IS CONDUCTED AND HOW THE QUALITY CONTROL PROCEDURES WORK AT NSA.

LET ME CONCLUDE ON THE MOST IMPORTANT POINT. WE IN THE SECURITY AND CI BUSINESS MUST EVALUATE ANY PROGRAM, INCLUDING THE POLYGRAPH, ON THE BASIS OF ITS EFFECTIVENESS IN DETECTING OR DEFLECTING ESPIONAGE. WE AT NSA HAVE BEEN SAVED FROM MAJOR PROBLEMS BY THIS INVALUABLE TOOL. BOTH THE DOD/NSA STUDY AND THE SECURITY COMMITTEE STUDY CONTAIN SUMMARIES OF SUCH CASES. SOME ARE NOT WITHOUT AMBIGUITY AND I DON'T PROPOSE TO RECOUNT ALL THESE CASES HERE. LET ME SUMMARIZE JUST TWO CASES FROM RECENT YEARS:

. A MILITARY PERSON ABOUT TO RETIRE FROM ACTIVE DUTY WHERE HE HAD ACCESS TO SENSITIVE COMPARTMENTED INFORMATION APPLIED FOR A JOB WITH NSA. HE HAD A CLEAN RECORD. HE REACTED TO POLYGRAPH QUESTIONS ABOUT ESPIONAGE. HE WAS CONFRONTED ABOUT THESE REACTIONS. HE SAID THAT ONLY DAYS BEFORE HE HAD VISITED THE SOVIET EMBASSY IN WASHINGTON TO MAKE ARRANGEMENTS TO DEFECT. THE SOVIETS SUGGESTED HE COMPLETE HIS PROCESSING FOR SENSITIVE EMPLOYMENT.

. AN APPLICANT FOR EMPLOYMENT AT NSA REACTED TO ESPIONAGE QUESTIONS. HE THEN ADMITTED KNOWING AND WORKING WITH A FOREIGN INTELLIGENCE OFFICER. HE DECLINED TO GIVE US DETAILS AND HE CONTINUED TO REACT TO THE RELEVANT COUNTERINTELLIGENCE QUESTIONS.

THIS INFORMATION COULD HAVE BEEN GAINED NO OTHER WAY - ONLY OUR SKILLED POLYGRAPH EXAMINERS SAVED US FROM POTENTIAL DISASTER.

I HAVE EVERY CONFIDENCE IN THE POLYGRAPH AS A VALID TECHNIQUE AND EVERY CONFIDENCE IN THE SKILL AND INTEGRITY OF MY POLYGRAPH EXAMINERS.

I WILL NOW ANSWER ANY QUESTIONS YOU MAY HAVE.